

R E M A R K S

In the Office Action, claims 9 and 15 were said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. According claims 9 and 15 have been rewritten in independent form so as to secure their allowance.

Claims 1-8, 10, 13, 14, 16 and 17 were rejected under 35 USC 103(a) as unpatentable over Deter (US Patent No. 5,864,432) in view of Sakuma et al (US Patent No. 6,292,305) for the reasons stated in the Office Action. Claims 11 and 12 were rejected under 35 USC 103(a) as unpatentable over Deter (US Patent No. 5,864,432) in view of Sakuma et al (US Patent No. 6,292,305) and further in view of Asakawa et al (US Patent No. 5,892,598) on the grounds set forth in the Office Action.

Reconsideration of these rejections is requested respectfully in view of the argument herein.

Applicant has amended claim 9 by adding the subject matter of claims 8 and 1 to obtain allowability of this claim.

Furthermore, applicant has amended claim 15 by adding the subject matter of claim 1 to obtain a further allowable claim 15.

Furthermore, added to claim 4 is the subject matter of old claim 1. The Examiner is the opinion that a claim with this feature is obvious by a combination of Deter and Sakuma because the person skilled in the art would do so to avoid harmfulness of eyes of the observer. It is respectfully submitted that this argumentation can not be followed: Every person skilled in the art would not create a head-up display harmful to the eyes of an

observer to prevent liability costs. The reason for this new claim is to save money by using only the number of LED's which are required. This is a task for the person skilled in the art, too. But nowhere does the person skilled in the art get the inspiration to do so; to the contrary, the art teaches one to use an equal number of LED's as explicitly taught by Deter, Fig. 6.

Claim 5 has been amended by adding the subject matter of old claim 1. The round form also is not obvious. First of all, the bonding of a round form does not provide a simpler manner of bonding the single LED's and secondly, Deter and others using optical lens teach use of a rectangular matrix form for the arrangement of the LED's in a light source. The person skilled in the art is able to understand that an arrangement according claim 5 is more economic; an economic solution is every time one aim of development. But realizing to create a Head-up display like in the amended claim 5 is not obvious since everybody teaches using a rectangular form for the arrangement of the LED's.

Regarding claim 1, which now includes the subject matter of claim 6, and claim 7, it is respectfully submitted that the Office Action only looks in a hindsight manner and does not show any similar solution which could have led the person skilled in the art to the solution of these claims without amounting to invention.

Regarding claim 8 connecting the diodes in series requires a higher voltage supply. Since a higher voltage supply is not easier to obtain than a voltage supply feeding single LED's. Furthermore, Deter teaches in Fig. 6 image generating sources using LED pixels which are required to be fed individually so

that they can not be connected in series. The arrangement for LED matrices used for LCD image generators in Fig. 5 of Deter does not differ from LED matrices used for direct display as shown in Fig. 4 and 6 of Deter. So the person skilled in the art is not prompted to arrange the LED's in series.

The remaining claims are dependent on amended claim 1 which, as noted above, includes the subject matter of claim 6. Claim 6 is cancelled in view of the inclusion of its subject matter in claim 1.

A further feature of the invention is the ability to dim the head-up display, the need for this feature being disclosed in the present specification of page 1 at lines 28-36. The feature is implemented, as disclosed on page 2 at lines 24-35, by employing light-emitting diodes (LED's) as the light source, distributing light (by means of an optical element, such as a lens) of the various LED's on the "at least partially light-transmitting display", and wherein the light emitting diodes of the various colors are selected by color in accordance with the spectral sensitivity of the eye to cause an observer to experience a sensation of brightness, thereby to accomplish a dimming of the head-up display.

This mode of dimming a head-up display is not disclosed in the cited art. New apparatus claim 18 and new method claim 19 are presented to emphasize this feature of the invention, thereby to obtain allowable subject matter.


Deposit Account form in the amount of \$504.00 for 6 extra independent claims in excess of three claims are presented.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Since the present claims set forth the present invention patentably and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted,

Manfred Hähl

by: 
MARTIN A. FARBER
Attorney for Applicant
Registered Representative
Registration No. 22,345

CERTIFICATE OF MAILING UNDER 37 CFR SECTION 1.8(a)

I hereby certify that the accompanying Amendment and Deposit Account Forms in the amount of \$504.00 are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450, on June 24, 2003.

Dated: June 24, 20023


Martin A. Farber

866 United Nations Plaza
New York, NY 10017
(212) 758-2878